

In re Patent Application of:
GREGG
Serial No. 10/079,729
Filed: **FEBRUARY 21, 2002** /

REMARKS

Applicant again thanks the Examiner for the careful and thorough examination of the present application, and for the indication of allowable subject matter. Claims 18-40 remain pending in the application. Favorable reconsideration is respectfully requested.

I. The Independent Claims

For the Examiner's convenience, a concise review of the independent claims follows. Independent Claim 18 is directed to a system for making wallboard or backerboard sheets and recites a mixer and a former with a divider provided downstream from an autoclave, and a cutter downstream from the former. Independent Claim 27 is directed to a system for making wallboard or backerboard sheets and recites a mixer and a former with the autoclave downstream from the divider and a cutter. Also, independent Claim 34 is directed to a system for making wallboard or backerboard wherein the aerated concrete material is dispensed onto a moving sheet before passing to a cutter and then into an autoclave.

II. The Claims are Patentable

Claims 18 and 27-40 were rejected in view of Mathieu, Urmston, King, Teare, Clear, Emerson, Stipek, Kato and/or Miller taken in various combinations, for the reasons set forth on pages 2-14 of the Office Action. The Examiner indicated that the Claims 19-26 were directed to allowable subject matter. Applicant contends that Claims 18 and 27-40 clearly define over

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the cited references, and in view of the following remarks,
favorable reconsideration of the rejections is requested.

With respect to independent Claim 18, the Examiner has relied on the King patent as generally teaching a system for making concrete cubes and sawing the cubes to a desired thickness. As recognized by the Examiner, King fails to disclose an autoclave for curing the block of concrete before dividing it, and also fails to disclose a cutter for cutting the cured and divided panels with face layers secured thereto. However, the Examiner relies upon the Urmston patent as teaching the use of autoclaving and the Mathieu patent as teaching the production of wallboards in a continuous manner including the application of face layers to cementitious cores before cutting the material into wallboards.

More accurately, Urmston discloses the formation of a bulk slab of aerated concrete including autoclaving the block, but does not teach any processing thereof into wallboard or backerboard sheets. Furthermore, the Mathieu patent actually discloses depositing a cementitious slurry onto paper/sheets before cutting, and not the application of face layers to cementitious cores as alleged by the Examiner.

With respect to independent Claim 27, the Examiner cited the Urmston patent as allegedly disclosing molding blocks of aerated concrete and dividing the block into slices before it has cured. As correctly recognized by the Examiner, Urmston does not address any processing thereof into wallboard or backerboard sheets including securing a face layer to an aerated concrete core.

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Applicant still maintains that the Examiner has misinterpreted the Urmston patent. Column 3, lines 17-38 of Urmston, as relied upon by the Examiner, actually teach that the block of aerated concrete is divided after autoclaving. The cited description refers to previous non-aerated concrete processes that may have included cutting before autoclaving but that this approach would not work with the Urmston invention. There is nothing in Urmston that teaches cutting aerated concrete before autoclaving as alleged by the Examiner.

Furthermore, Mathieu and King may teach the entrainment of air/gas bubbles into concrete material to form blocks or panels, but neither reference teaches a system having a former with an autoclave downstream from a divider which is downstream from a mold or the use of an autoclave at all. Therefore, neither of these references makes up for the deficiencies of Urmston as set forth above.

Moreover, the Examiner has now relied upon the Teare and Clear patents as disclosing the curing of wallboards after the cutting operation. More accurately, the references teach the depositing of a conventional cementitious slurry onto paper/sheets before cutting and stacking to allow the panels to cure over time, e.g. in a curing area. There is no disclosure of curing ovens downstream from a divider and a cutter, as claimed. And, with respect to independent Claim 34, Applicant point out that in the Teare and Clear patents, there is no disclosure of the use aerated concrete or the use of an autoclave at all. None of the cited references (Mathieu, Teare, Clear, Stipek, Kato and/or Miller) teach the use of an autoclave downstream from a

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cutter in a system for making aerated concrete wallboards or backerboards, as claimed.

Accordingly, as set forth above, the prior art references relied upon by the Examiner do not teach or suggest all the claim features. Thus, the claim rejections in view thereof should be withdrawn.

Also, Applicant again points out that the Examiner is impermissibly using the teachings of Applicant's own patent application as a roadmap to modify the prior art. Indeed, Applicant is not merely claiming the use of curing for wallboards, or cutting wallboards, or the use of aerated concrete. Applicant recognized the shortcomings in the industry and developed the present invention as set forth in the pending claims. There is simply no teaching or suggestion in the cited references to provide the combination of features as claimed.

Accordingly, for at least the reasons given above, Applicant maintains that the cited references do not disclose or fairly suggest the invention as set forth in Claims 18, 27 and 34. Furthermore, no proper modification of the teachings of these references could result in the invention as claimed. Thus, the rejections should be withdrawn.

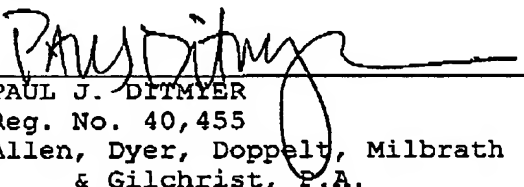
It is submitted that the independent claims are patentable over the prior art. In view of the patentability of the independent claims, it is submitted that their dependent claims, which recite yet further distinguishing features are also patentable over the cited references for at least the reasons set forth above. Accordingly, these dependent claims require no further discussion herein.

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III. Conclusion

In view of the foregoing remarks, it is respectfully submitted that the present application is in condition for allowance. An early notice thereof is earnestly solicited. If, after reviewing this Response, there are any remaining informalities which need to be resolved before the application can be passed to issue, the Examiner is invited and respectfully requested to contact the undersigned by telephone in order to resolve such informalities.

Respectfully submitted,


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